

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON)
TALCUM POWDER PRODUCTS) MDL No. 2738 (MAS) (RLS)
MARKETING, SALES PRACTICES AND)
PRODUCTS LIABILITY LITIGATION)

This Document Relates To All Cases)

)

**DECLARATION OF SUSAN M. SHARKO IN SUPPORT OF
DEFENDANTS' MOTION TO STRIKE PLAINTIFFS' IMPROPER
SUPPLEMENTAL REPORTS**

I, Susan M. Sharko, declare as follows:

1. I am an attorney of the state of New Jersey and a partner with the law firm Faegre Drinker Biddle & Reath LLP, counsel for Defendant Johnson & Johnson in the above-captioned matter. The facts stated in this Declaration are true of my own personal knowledge. I submit this Declaration in Support of Defendants' Motion to Strike Plaintiffs' Improper Supplemental Reports.

2. Attached hereto as Exhibit 1 is a true and correct copy of relevant portions of the transcript of a September 6, 2023 hearing before this Court.

3. Attached hereto as Exhibit 2 is a true and correct copy of a redline document comparing the initial and amended reports of Dr. David Kessler in this action. The document was created by my office at my direction using software

(Litera Compare) to compare the Expert* Report of David A. Kessler, M.D., dated November 15, 2023 (the asterisk in the title of the document denotes a comment that “This Amended Report should substitute for my 2018 report.”) with the Expert Report of David A. Kessler, M.D., dated November 16, 2018.

3. On November 21, 2023, I filed a letter to the Court on behalf of Defendants citing a number of concerns with the PSC’s expert disclosures. The letter requested a conference with the Court “to discuss the permissible scope of the PSC’s bellwether trial pool expert disclosures,” among other things. The letter was filed as ECF 28727.

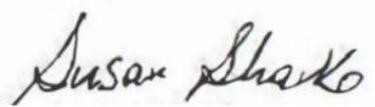
4. On November 27, 2023, the PSC (by Leigh O’Dell and Michelle Parfitt) filed a letter responding to the November 21, 2023 letter from Defendants. That letter was filed as ECF 28729.

5. On December 13, 2023, I met with lead Plaintiffs’ counsel Leigh O’Dell and Michelle Parfitt via remote videoconferencing regarding the plaintiffs’ designation of experts for the upcoming MDL bellwether trials to discuss Defendant’s requests concerning the PSC’s experts. We were not able to come to any agreement regarding any of the items at issue in the instant Motion – withdrawal of the expert reports at issue or in the alternative modification of the discovery schedule. I therefore advised that Defendant would be filing the instant Motion shortly.

6. I submit this Declaration to certify that the moving party has conferred with the opposing party in a good faith effort to resolve by agreement the issues raised by the motion without the intervention of the Court and that the parties have been unable to reach agreement.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 14, 2023



Susan M. Sharko